



Wisconsin Elections Commission

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DATE: October 22, 2020

**Updated language for central count counties was added to Section II on October 30, 2020*

TO: All Wisconsin Election Officials

FROM: Meagan Wolfe
Administrator

SUBJECT: Guidance for End-of-Night Procedures and Election Night Results Reporting

Overview

The Wisconsin Elections Commission has prepared the following guidance for local election officials as they prepare for the November 3, 2020 Presidential Election. Clerks have asked WEC to provide guidance on end-of-night procedures and results reporting for a high turnout election and considering the increased volume of absentee ballots. Voter behavior has changed significantly in 2020, from a historical average of only 6% of voters participating using absentee by-mail to rates of 60%-80% of by-mail voting in recent elections in 2020. The statutory parameters for election night and results reporting, however, remain the same and do not provide exceptions to account for some of the situations expected to occur on election night. The WEC does not have the authority to modify any statutory requirements related to election night. For example, WEC cannot extend the timeline for ballots to be counted, nor can WEC allow clerks to begin tallying ballots prior to election day; those changes would require an act of the legislature or intervention of a Court. WEC can only provide answers to clerk's questions by outlining the statutory requirements and providing guidance within those parameters.

This memo will outline the statutory framework to answer questions related to timeline requirements of tallying votes, requirements and best practices for results reporting, security best practices, and guidance on how to communicate these requirements to the public to set realistic expectations. Ultimately, there is little flexibility in some of the statutory provisions around these topics. Namely, the statutes do not allow for local election officials to adjourn and reconvene when tallying votes on election night. There are also specific requirements on how and when unofficial results shall be reported, both from polling places and from central count facilities. Throughout this guidance you will also see an emphasis on transparency. Communicating the complexities of election tallies and results reporting and providing a window for the public into the process is key to a successful election night. While this document will not answer every specific question local election officials may have as they embark on tallying and canvassing, it is designed to outline the relevant statutory framework so that each municipality and board of canvassers can make decisions on election night and after election day in accordance with law.

I. Receipt of Ballots

The law states that absentee ballots must be delivered to the polling place or the central count facility by 8 p.m. on election night in order to be counted. This means that if a municipality has drop boxes or other drop

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off locations, the last pick up time needs to be properly noticed to the public to ensure that all ballots eligible to be counted are delivered to the polling place or central count facility no later than 8 p.m. All absentee ballots received by 8 p.m. on election night that are eligible to be counted and do not have any missing required information must be processed and counted even if that takes place after midnight on November 3. The statute also explicitly states ballots that are received after the statutory deadline of 8 p.m. are not to be counted.

Further, the law has specific requirements for central count jurisdictions. Specifically, the statutes require that municipalities who use a central count facility to process their absentee ballots post to their website the number of absentee ballots that have been issued and returned to be counted by that jurisdiction. This allows for transparency into the process so that voters, candidates, and the public know how many ballots may still be added to the unofficial totals once they are processed at central count and later added to the number of ballots voted in-person at polling locations.

Whether cast in person, or by absentee, ballots received prior to the applicable statutory deadlines are to be processed and counted, whereas ballots that have not been submitted by the applicable statutory deadline may not be counted. The statutes that govern the receipt and processing of ballots are provided below for review when finalizing your procedures for election day:

a. Timely Casting and Counting of Ballots

- Wisconsin Statutes provide that “[a]ny elector waiting to vote, whether within the polling booth or in the line outside the booth at the time the polls officially close, shall be permitted to vote.” Wis. Stat. § 6.78(4).
- “The polls at every election shall be open from 7 a.m. until 8 p.m.” Wis. Stat. § 6.78(1).
- Absentee ballots submitted to the municipal clerk or the board of election commissioners in person or by mail prior to election day are delivered to the polling location or central county facility to be processed throughout election day, per Wis. Stat §§ 6.88(3) and 7.52(1).
- An absentee ballot received on election day must be “returned so it is delivered to the polling place no later than 8 p.m. on election day.” For municipalities that canvass absentee ballots centrally under Wis. Stat. § 7.52, all ballots received by the municipal clerk, or their designee, by 8 p.m. on election day shall be canvassed.

b. Posting of Outstanding Absentees for Central Count Municipalities

Wis. Stat. § 7.52(1)(c) states: In absentee central count municipalities, “no later than the closing hour of the polls, the municipal clerk shall post at his or her office and on the Internet at a site announced by the clerk before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the clerk has mailed or transmitted to electors and that have been returned by the closing hour on election day.”

II. Unofficial Election Night Results Reporting and Posting

Wisconsin Statutes define distinct roles in posting unofficial, election night results for municipalities, counties, and the state. At the municipal level, the statutes are specific and outline how tabulation should occur and the timeline and method for reporting. At the county level, there is a timeline and method prescribed for the posting of results. The state level statutory role is limited to the requirement that WEC

provide links to each county's results webpage on the agency website.

The statutes which govern the reporting of unofficial results assume the results will be transmitted and posted by the appropriate level of government on election night. While these statutes likely did not contemplate the extraordinary increase in the number of absentee ballots that must be processed for this election, there are no real exceptions under the law for not reporting all results on election night, even if the delay is due to volume, available municipal resources or other unexpected delays like a ballot or voting equipment issue.

Specifically, Wis, Stats § 7.51 states, in part: "The canvass, whether conducted at the polling place or at a central counting location, shall continue without adjournment until the canvass of all ballots cast and received on or before election day is completed and the return statement is made or, in municipalities where absentee ballots are canvassed under s. [7.52](#), until the canvass of all absentee ballots cast and received on or before election day is completed and the return statement for those ballots is made." Any delay in reporting results on election night as outlined in statute, could cause a cascading effect of missing other statutory deadlines related to routing of materials and canvassing the official results. Municipalities must make every effort to finish the tallying and reporting of results on election night or as soon as possible thereafter.

The statutes also outline how each municipality is required to report election results to their county clerk once the tabulation or tallying is complete. The unofficial tally of the municipality is complete when all election day votes and all votes from absentee ballots have been counted. Both results sets are aggregated to determine the unofficial winners of the contests or whether a referendum has passed or failed. Results are then reported by reporting unit and provided to the county for posting, using the preferred method of transfer (modem, call-in sheets, removable media, etc.) and must be reported no later than 2 hours after tabulation is complete. Once received, the county is then required to post the unofficial results by reporting unit to their county website.

These requirements can pose specific challenges for central count municipalities and counties that contain a municipality who uses central count to process their absentee ballots. In these jurisdictions, in-person, election day results are provided to the county from each polling place, but results tallied from absentee ballots for each reporting unit come separately from central count. Ultimately, this means that polling place results for these jurisdictions may be posted without central count totals for each reporting unit. Posting results in this manner could result in confusion by the public, candidates, the media and voters as it may appear that these reporting units have fully reported, but, in reality, will have only reported their polling place totals without their absentee totals included in the tally.

If counties wish to post unofficial election night results in this manner it will be essential that their results webpage clearly indicates when results for a reporting unit are incomplete and awaiting absentee totals. The Commission voted unanimously to require counties with central count municipalities to add two pieces of information to their website where unofficial election results are posted. A statement must be added to that page that explains this process and counties must post the number of absentee ballots issued and returned for each central count municipality. It will be essential to provide information on election night results reporting and posting procedures to the media and the public prior to election day so that any confusion as to the completeness of results can be avoided or minimized. The results reports should be annotated to clearly indicate where results are incomplete. The following suggested language should be added to the county webpage where the unofficial election results are posted:

Important Note: At least one municipality in this county uses a central count facility to process all absentee ballots they have received in time to be counted. This means that election results for the following municipalities [insert names] may be provided to the public in two different phases.

- **The initial results will be the totals from ballots cast in person at the polling place on election day and will not include totals from absentee ballots.**
- These results will be followed by the addition of the absentee totals from the central count facility.
- The vote totals from absentee ballots will be added to the polling place totals and complete results sets for each ward will then be posted.
- **Results for each ward in the municipality, or municipalities, that use central count to process absentee ballots should not be considered as complete until all absentee totals have been added to the polling place totals.**
- Central count municipalities are required to post the number of absentee ballots they have issued and received to be counted on their websites on election night. The number received is the potential number of absentee ballots that will be added to the polling place totals. You can find the number of absentee ballots at the following links:

[Insert name of municipality] [Insert link to municipal webpage where number of absentees is posted]
*(*this final bullet point was added on 10/30/2020)*

Failure to make this distinction will result in confusion on the part of the public, voters and candidates and should be avoided. Public confidence in the election night results is imperative to the election process in Wisconsin and failure to understand or report how these results are made public on this website will cause doubt about validity of results.

The statutes lay out responsibility of each level of government: municipal, county, and state for the tallying and transmittal of results as follows:

a. The Role of the Municipality in Unofficial Results Reporting

- Wisconsin Stat. § 7.51 includes methodologies for tallying and announcing the unofficial results at the polling place prior to the delivery of the results sets to the county office. It also states that the canvass on election night should continue without adjournment until complete.
- Wisconsin Stat. § 7.51(4)(c) states: “On election night the municipalities shall report the returns, by ward or reporting unit, to the county clerk no later than 2 hours after the votes are tabulated.”
- Tabulation procedures are defined and prescribed in detail in Wisconsin Stat. §7.51(2).
- Wisconsin Stat. § 7.52 discusses the process for tabulating absentee ballot totals, including absentee ballots that are processed at a central count location.
- “When the tally is complete, the board of absentee ballot canvassers shall publicly announce the results from the statements, and the records of the count are to public inspection and copying under s. 19.35(1).” Wis. Stat. § 7.52(7).

b. The Role of the County in Unofficial Results Reporting

Once the tabulated results from each reporting unit are received by the county, Wis. Stat. § 7.60(1) states: “On election night the county clerk shall keep the clerk's office open to receive reports from the ward

inspectors and shall post all returns. On election night the clerk shall post all returns, by ward or reporting unit, on an Internet site maintained by the county no later than 2 hours after receiving the returns.” The method and display of these postings varies greatly among the 72 Wisconsin counties. County clerks can meet their posting obligations under statute remotely and do not need to physically be in their office to receive unofficial election night results. If the clerk, or their staff, will not be physically present in their office it may be necessary to communicate posting procedures and timelines with any media members who may be expecting these results to be made public according to prior procedures. If a county clerk confirms they will not be receiving any additional results on election night they do not have to “keep their office open” even if all results have not been provided by their municipalities. County clerks should be in contact with municipalities to ensure they are available to received results when they become available, so they can be posted on the website upon receipt.

c. The Role of the State of Wisconsin Elections Commission in Unofficial Results Reporting

Wisconsin Stat. § 5.05(14)(c) states: “On election night the commission shall provide a link on its Internet site to the posting of each county's election returns on each county's Internet site.” There is no further discussion in the statutes regarding the WEC’s role in election night reporting. The aggregated totals and declaration of winning candidates, prior to canvass or state certification, shown in the media are often the product of the Associated Press. In compliance with statute, the Wisconsin Elections Commission posts a list of links to the county websites which display the unofficial results. The list for the November 2020, General Election is available here: <https://elections.wi.gov/clerks/directory/county-websites>

III. Canvassing Ballots and Routing of Materials

Election night tallying and canvass procedures must be completed before results are reported, but the canvass process extends beyond election day. Any delays tallying and reporting unofficial results on election night could impact other deadlines associated with the municipal and county canvasses. Due to the increased number of absentee ballots many local jurisdictions have asked about the possibility of extending the tally into multiple days, if needed. Ultimately, the statutes require all eligible absentee ballots returned prior to 8 p.m. on election night to be counted and ultimately statutes allow for the tally and canvassing of ballots to extend beyond November 3, but the statutes do not provide the specific ability for boards of canvassers to adjourn and reconvene. As outlined in the prior section of this memo and below, Wis. Stat. § 7.51(1) states that, “The canvass, whether conducted at the polling place or at a central counting location, shall continue without adjournment until the canvass of all ballots cast and received on or before election day is completed.” This means that while the tally could be extended if a municipality is unable to finish on election night, the law only contemplates the tally as one, continuous, noticed meeting.

Wisconsin state statutes regarding canvassing are structured in a cascading series of deadlines which is predicated on the tally being done on election night and election materials being timely routed to the appropriate clerks. Failure to meet one deadline can result in other deadlines being missed as well. Ultimately, the statutes lay out a schedule for the canvassing and routing of materials. Municipal and county boards of canvass and municipal clerks need to make every attempt to meet these deadlines. However, all ballots that are received by the statutory deadline must be counted. Statutes do not provide for an exception to the canvassing deadlines but do clearly state that all ballots must be counted, regardless of how long the counting may take. All efforts should be made to meet the deadlines but meeting these deadlines should not come at the expense of finishing the initial tally. Once the tally is complete, all efforts must be made to route materials in accordance with the statutes to the appropriate election official to avoid delays at future stages of the canvass.

Ultimately, the Commission must certify the results of the election at its December 1, 2020 meeting. This starts the presidential electors process and is the date by which the results must be certified. All results must be received by WEC from each county with enough time for staff to conduct a quality control review of the results prior to certification and should allow for enough time for errors in the canvass to be corrected, which may require a specific county, or counties, to reconvene their board of canvassers. Any delays in the county canvass should be promptly reported to WEC at canvass@wi.gov so that we can account for those delays in our certification process.

The following are the statutory provisions and timelines regarding canvassing and the routing of materials that should be considered when planning for election day and required post-election day activities:

a. Continuation of Canvass Until Completion

Timeline for completion: Election Day

Statutory Guidelines: Wis. Stat. § 7.51(1) states: The canvass, whether conducted at the polling place or at a central counting location, shall continue without adjournment until the canvass of all ballots cast and received on or before election day is completed and the return statement is made, or in municipalities where absentee ballots are canvassed under s. 7.52, until the canvass of all absentee ballots cast and received on or before election day is completed and the return statement for those ballots is made.

b. Delivery of Materials by the Municipal Clerk to the County

Timeline for completion: Wednesday after Election Day or Thursday after Election Day for central count municipalities

Statutory Guidelines: Wis. Stat. § 7.51(5)(b) states: The municipal clerk shall deliver to the county clerk the ballots, statements, tally sheets, lists and envelopes for his or her municipality relating to any county, technical college district, state, or national election no later than 4 p.m. on the day following each such election, or in municipalities where absentee ballots are canvassed under s. 7.52, by 4 p.m. on the 2nd day following each such election, and shall deliver to the county clerk any additional provisional ballots canvassed under s. 6.97(4) together with amended statements, tally sheets, lists, and envelopes no later than 4 p.m. on the 2nd day following each such election, and shall deliver to the county clerk any additional provisional ballots canvassed under s. 6.97(4) together with amended statements, tally sheets, lists, and envelopes no later than 4 p.m. on the Monday after the election.

c. Municipal Board of Canvass

Timeline for completion: Election Night for municipalities with one polling place or no later than 9am on the Monday after the election for municipalities with multiple polling places.

Statutory Guidelines: Wis. Stat. § 7.53(2)(d) states: In municipalities with one polling place, the canvass shall be conducted under sub. (1) publicly on election night. In other municipalities, the municipal board of canvassers shall publicly canvass the returns of every election. The canvass shall begin no earlier than the time that the municipal board of canvassers receives the returns from all polling places in the municipality on election night and no later than 9 a.m. on the Monday after the election.

d. Absentee Ballot Canvass in Central Count Municipalities

Timeline for completion: Election Day

Statutory Guidelines: Wis. Stat. § 7.52(1) states: The board of absentee ballot canvassers (central count) convene “any time after the opening of the polls and before 10 p.m. on election day” to count the absentee ballots submitted in their municipality.

e. County Board of Canvass

Timeline for completion: No later than 14 days after Election Day, or November 17, 2020

Statutory Guidelines: Wis. Stat. § 7.60(3) states: Not later than 9 a.m. on the Tuesday after each election the county board of canvassers shall open and publicly examine the returns. If returns have not been received from any election district or ward in the county, they shall dispatch a messenger and the person having them shall deliver the returns to the messenger. If, on examination, any of the returns received are so informal or defective that the board cannot intelligently canvass them, they shall dispatch a messenger to deliver the returns back to the municipal board of canvassers with written specifications of the informalities or defects and command them to immediately complete the returns or remedy the defects in the manner required and deliver them to the messenger. Every messenger shall safely keep all returns, show them to no one but the municipal clerk and board of canvassers and deliver them to the county clerk with all possible dispatch. To acquire the necessary full returns and remedy any informalities or defects the county board of canvassers may adjourn not longer than one day at a time nor more than 2 days in all.

f. County Board of Canvass Transmitting Materials to WEC

Timeline for completion: No later than 14 days after Election Day, or November 17, 2020

Statutory Guidelines: Wis. Stat. § 7.60(5) states: Immediately following the canvass, the county clerk shall deliver or transmit to the elections commission a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge, circuit judge, district attorney, and metropolitan sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am).

Wis. Stat. § 7.60(5) states: The county clerk shall deliver or transmit the certified statement to the elections commission no later than 9 days after each primary except the partisan primary, no later than 10 days after the partisan primary and any other election except the general election, and no later than 14 days after the general election.

g. Certification of Results by the Wisconsin Elections Commission

Timeline for completion: December 1, 2020

Statutory Guidelines: Wis. Stat. § 7.70(1) states: Upon receipt of the certified statements from the county clerks, the commission shall record the election results by counties and file and carefully preserve the statements.

Wis. Stat. § 7.70(3) states: The chairperson of the commission or a designee of the chairperson appointed by the chairperson to canvass a specific election shall publicly canvass the returns and make his or her certifications and determinations on or before the 2nd Tuesday following a spring primary, the 15th day of May following a spring election, the 3rd Wednesday following a partisan primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 18 days after any special election.

IV. Security and Documentation

As local election officials navigate election night and the tally of election results, it is important to have security procedures in place to protect the process. With the increased scrutiny on the elections process, it is very important that local election officials have documentation to show the appropriate chain of custodies were in place and that there were no opportunities for election results to be compromised. While local election officials have always taken these precautions seriously, with the possibility of an extended time period for tallying, these procedures warrant additional considerations.

a. Working Late

Ballot counting should continue until all absentee and election day ballots are processed and if poll workers and election officials are going to be working late at night to complete this process, security precautions should be considered prior to election day. Election observers are allowed by law to be present while ballots are being counted so the facility should remain open to the public. If the doors need to be locked at a certain time, signage should be posted on the door with a phone number listed for someone who can open the door. You can coordinate support from local law enforcement prior to election day if you expect polling places or absentee central count facilities will be open late to complete absentee ballot processing and end-of-night procedures.

Election materials, including ballots and voting equipment memory devices should be securely transported on election night. Your usual procedures should be reviewed to determine in any changes are needed for the November 3 General Election.

b. Security of Ballot Materials Between Public Meetings

If there are any gaps in the publicly noticed canvass process, election officials need to be especially mindful of securing all election materials and document and reporting the status of ballot processing prior to adjourning. Consider the following procedures as part of your preparations:

1. Secure all election materials and the room where they will be stored.
2. Verify all tamper-evident seals are intact and the serial numbers match the Inspector's Statement.
3. Document the type, number, and status of all election materials.

Thorough documentation will make it easier when reconvening and it will also confirm that no election materials were disturbed or tampered with overnight and provide accountability to any voters, candidates or members of the public who have questions about the integrity of the process or results.

All ballots, voting equipment and other election materials, such as absentee certificate envelopes poll lists, etc. should be accounted for any discrepancies, outstanding issues or notes should be listed on the Inspector's Statement (EL-104). The voting equipment should be powered down after the tally is completed, if possible. Election officials can take photos of the room before leaving so that a record exists that can be used to confirm election materials remained undisturbed overnight.

The tamper evident seals on the voting equipment should be double-checked before closing. This check is especially important for the seal on the compartment that houses the memory device. This verification should be documented on the Inspector's Statement and any discrepancy should be immediately reported to the municipal clerk. The tamper evident seals should be verified and confirmed before ballot processing reconvenes.

The room where the voting equipment and ballots are stored should be locked when not in use during a public meeting. Access to the room should be restricted so that only essential people have access to the room. Tamper evident seals can be placed on the door to ensure that there has been no unauthorized access to the room. Photographs should be taken of the seals so that the serial numbers can be verified when the room is unlocked when reconvening. Clerks may coordinate with local law enforcement to determine if additional monitoring of the building is available, at times when the canvass is adjourned. Monitoring could include regular rounds of the building or in some cases, permanently stationed overnight to provide an additional layer of security of the election materials and equipment.

V. Communications

Communicating effectively with voters and the media about Election Night results is critically important to avoiding misunderstandings about the election. Some voters do not understand that Election Night results are unofficial. Despite news organizations “calling” races based on incomplete results, official results take several weeks to canvass and certify. Some voters also incorrectly believe that the order in which results are received or reported from different parts of a county or state somehow affects the outcome of races. It is also important to manage expectations of when Election Night results will become available, especially if clerks believe it will take longer than normal to report them. Acknowledging it could be a late night or early morning before unofficial results may be available is a good thing, especially if you are also explaining how much effort and care go into ensuring the results are accurate and complete.

a. Pre-election plan

Municipal clerks should be prepared to answer questions from voters and the media about how long they expect it will take to report unofficial results. This is especially true if they are counting absentee ballots at a central location and expect counting to go on beyond 8 p.m. In counties where unofficial results are not transmitted to the county by secure and encrypted modems, clerks should take into consideration possible delays in reporting due to the time it takes for results to be called in or physically transported to the county clerk’s office.

Because most Election Night information comes from county clerks’ offices and websites, county clerks should consider:

- Communicating proactively with voters and local news media about where and how unofficial results will be posted on their websites.
- Communicate with voters about how the canvass will be conducted in your community. A proactive press release is recommended so that voters in your community know exactly how and where the tally will occur in your community. This also gives you a resource to point to in the event of rumors or questions about the process.
- Setting realistic expectations about how long it will take to receive and post all the results.
- Posting prominent links to results page from the county’s home page and the clerk’s main page several days before the election, which helps voters and media find the results and may reduce phone calls to the clerk’s office.

b. Election night communications

Most Election Night communications about unofficial results come from county clerks, as they are statutorily required to keep their offices open to receive results and to post them on their websites within two hours of receiving them from municipal clerks.

While municipal clerks may have access to unofficial results from their wards, the primary responsibility for public reporting of unofficial results rests with county clerks. However, if municipal clerks become aware of unexpected issues or delays from their wards or an absentee central count location, they should be prepared to communicate about them with the media and voters. Clerks may use social media accounts if they have them, a news section on their municipal websites, or by email to media organizations. Consider creating a template for these kinds of updates ahead of time so they can be posted quickly in a standard format.

Some county election management systems create reports for clerks’ websites with unofficial results in a format that includes the number of wards that have reported, i.e., 50% of precincts Reporting (12 of 24). For those who do not, consider posting a running list of which wards have reported.

County clerks should be posting unofficial results as they come into their offices, not waiting until results from all wards are in.

c. Crisis Communications and Issue Reporting

In the event that clerks run into major issues which will significantly delay reporting of unofficial results, timely communicating that fact is critical. Not communicating when voters and the media expect results leads to speculation, rumors, misinformation and possibly disinformation.

If there are significant delays or other problems, issue a news release or statement briefly explaining what the problem is, what is being done to fix it, and when you expect it to be resolved (if you know). Do not speculate if you do not know something. Please also notify the WEC through the helpdesk if there is an issue in your jurisdiction and we may be able to assist with communications. Preparing a holding statement ahead of time that can be used in the event of an issue is recommended. A sample holding statement is outlined below:

Sample holding statement

[NAME] County Clerk [YOUR NAME] reports that unofficial Election Night results from Ward [NUMBER] in [MUNICIPALITY NAME] have been delayed due to [PROBLEM].

The County Clerk's office is working with [MUNICIPALITY NAME] to address the issue by [EXPLANATION OF SOLUTION].

Currently, we expect results to be available by [TIME].

In 39 municipalities, all absentee ballots are counted at a central location rather than at polling places. These municipalities and their counties may face additional communications issues regarding unofficial results. In some places, election management software creates reports that say that 100% of wards have reported when the polling places have reported, but the central count totals have not been added to the ward totals. In a perfect world where polling place results and central count results come in within a narrow window of time, this is not an issue. However, that is not always the case, and may become an issue this November.

In November 2018, there was confusion in one municipality because central count absentee results were delayed due to problems opening certificate envelopes which required a significant number of ballots to be remade. As a result, central count results were added to the ward results until later in the evening, causing confusion when the results changed so dramatically.

Counties and municipalities where central count absentee locations are used should consult and follow the direction provided by the WEC in March 2019: <https://elections.wi.gov/node/6480>.

VI. Impact on Canvass Reporting System

Counties are required to use the Canvass Reporting System (CRS) to transmit to the elections commission the certified statement of the county board of canvassers for federal and state offices, but they are not required to enter unofficial results into CRS on election night (Wis. Stat. §7.60(5)). However, 14 of the 72 counties rely on the WEC Canvass Reporting System (CRS) to meet their statutory duty to post unofficial returns on election night. Some counties upload unofficial results from files produced by their election management software on

election night and use the CRS reports to confirm the results produced by their system. Other counties have made CRS part of their contingency plan if their own election night reporting system failed.

Counties have opted to use CRS for election night results reporting because of the expense of purchasing aggregation software or because their voting equipment does not provide a mechanism for collecting and aggregating municipal results. Prior to election night, the county uses CRS to print blank Election Night Call-In Sheets for each of the wards or reporting units in the county. The call-in sheets are used by the municipalities to report the returns to the county on election night after the votes are tabulated. The name call-in sheet comes from the fact that historically municipalities would call county on election night and read the results to the county over the phone and the county would record them on a call-in sheet. The common practice for counties using CRS on election night is for the municipality to email a copy of the completed Election Night Call-In Sheet and the county hand enters the returns from each ward or reporting unit into CRS. The county uses CRS to print reports of unofficial election night results that are posted on their website, or the county exports the data from CRS and uses it in a county-built election night reporting website. There have been times when counties have used scanned copies of the Election Night Call-In Sheet completed by the municipalities as a backup for their election night reporting system when an outage occurred.

The WEC does not display any of the unofficial results that are entered in CRS on election night. The role of the state on election night is to provide technical support for the counties that have opted to use CRS for reporting unofficial election night reports, and for counties that choose to upload files on election night. Commission staff are available at any time on election night to assist clerks using CRS. With the large number of absentee ballots to be processed and the higher turnout of a Presidential election, commission staff expect that counties using CRS will be entering results later usual. Commission staff will be available to support the counties in their election night reporting duties for as long as it takes them to report results.

Conclusion

In preparation for the November 3, 2020 General Election local election officials should prepare for the possibility that ballot processing and end-of-night procedures will not be complete until well after 8 p.m.. Municipal clerks have raised questions regarding the validity of ballots received by 8 p.m. but processed after midnight on election night. While state law does not directly account for this possibility and we believe the best course of action in these situations is to complete all required steps in the process prior to going home on election night, this is the preferred course of action, but it may be inevitable that some election officials will need to reconvene the following day to complete the process as a result of unforeseen circumstances. This also means that county clerks will need to remain available for results to be reported and posted. Canvassing of ballots is a cascading series of deadlines, where ultimately the results must be certified by the WEC on December 1 to start the Presidential Elector process. Under unforeseen circumstances, if one of the previous deadlines is missed then all efforts need to be made to both count all eligible ballots accurately and to meet the ultimate deadline of state certification on December 1.

When reporting unofficial election night results, the law also requires results sets to be complete before they are reported. This process is different for central count municipalities, who may choose to report their polling place results before central count has been added. Regardless, jurisdictions must communicate their plans for results reporting to the public prior to election day. Communication throughout election night and as unofficial results are reported is also crucial to maintaining transparency and engendering trust in the results and the process that protects them.

In regard to other procedures and considerations that local election officials should consider as part of their planning process such as security and communications, it is recommended that you discuss these issues prior to election day and incorporate these scenarios into your contingency plans. These plans should be finalized and shared with Chief Election Inspectors, your governing body, other election inspectors and any local law enforcement entities you may be working with.